

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/051,459 Confirmation No. : 6980
First Named Inventor : Hans BEER
Filed : January 22, 2002
TC/A.U. : 1797
Examiner : Lyle Alexander

Docket No. : 103655.50685US
Customer No. : 23911

Title : Surface-Enhanced Membrane and Process and
Apparatus for Producing Same

**RESPONSE TO NOTICE OF
NON-COMPLIANT APPEAL BRIEF**

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicant received a Notice of Non-Compliant Appeal Brief mailed January 30, 2009. The Notice stated that the Status of Claims section did not provide the status of all claims. The one-month response due date, extended to the first business day following a weekend, is March 2, 2009.

The Applicant has added a sentence to the Status of Claims section indicating that claims 3-14 have been canceled. A replacement page 2 for the Appeal Brief filed December 9, 2008, is enclosed herewith.

The Director is authorized to credit any overpayments or charge any

deficiencies to Deposit Account No. 05-1323 (Docket No. 103655.50685US).

February 4, 2009

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. D. Evans", written over a horizontal line.

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(i) Real Party In Interest

This application is assigned to Sartorius Biotech GmbH, Goettingen, Germany, the real party in interest in this appeal.

(ii) Related Appeals and Interferences

Appellant and counsel are not aware of any related appeals or interferences which would affect, be affected by, or have a bearing on this appeal.

(iii) Status of Claims

Claims 1-2 and 15-17 stand rejected and are on appeal, while claims 18-49 stand withdrawn pursuant to Election/Restriction Requirement. Claims 3-14 have been canceled. Claims 1-2 and 15-17 have been rejected at least twice and are presently the subject of a final rejection.

(iv) Status of Amendments

There are no unentered amendments.

(v) Summary of Claimed Subject Matter

Claims 1-2 and 15-17 include one independent claim. Independent claim 1 is directed to a process for producing a membrane in a manner which is a fundamental reversal of the prior art approach to membrane formation. Dependent claims 2 and 15-17 recite additional features of the invention recited in claim 1. The claims rise and fall together.

A concise explanation of the subject matter defined in independent claim 1, with reference to the Specification by page and line number and to the drawings by reference characters, follows below. As part of this explanation, a